

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION;
AND CARMEN ORTIZ, U.S. ATTORNEY
FOR THE DISTRICT OF MASSACHUSETTS,

Defendants.

Civil Action No.: 1:14-cv-11759

**JOINT MOTION FOR RELIEF FROM SCHEDULING ORDER AND FOR
ADJOURNMENT OF JULY 28, 2014 PRE-TRIAL CONFERENCE**

Plaintiff instituted this action pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to obtain records from the Federal Bureau of Investigation (the “FBI”) regarding records that describe how the FBI collaborates with Massachusetts state and local police including documents concerning the number and type of investigations carried out by the Boston FBI Field Office, documents concerning the Massachusetts Joint Terrorism Task Force (“JTTF”), including how it functions, how its authority is divided and shared, and what safeguards are in place to ensure the civil liberties of the persons it targets, and documents concerning the FBI’s recent work regarding Ibragim Todashev. On June 12, 2014, the Court issued an order notifying the parties of the upcoming scheduling conference, to take place on July 21, 2014. The Court granted the parties request to extend the date of the scheduling conference by one week, until July 28, 2014.

Due to the fact that this is a case under FOIA, the parties jointly request that they be relieved of their obligations under Local Rule 16.1. They also request that the July 28, 2014 scheduling conference be adjourned, and that as an alternative the parties submit status reports on the following dates: August 4, 2014; September 2, 2014; and September 16, 2014. In support of these requests, the parties state as follows:

The parties have already begun the process of conferring regarding the FBI's and the U.S. Attorney's Office's processing of all three portions of Plaintiff's FOIA request (e.g., the requests regarding (1) the structure of the Joint Terrorism Task Forces in Massachusetts, (2) the types and numbers of investigations and assessments done by the Boston FBI Field Office, and (3) the FBI's involvement with Ibragim Todashev). The parties have agreed to the following date range to limit the production of documents responsive to the third request (the "Todashev request"): January 1, 2012 to present. In addition, the parties have already agreed to the following dates:

1. The Federal Bureau of Investigation expects to complete its search for documents responsive to all three portions of the Plaintiff's FOIA request by July 31, 2014.
2. The Federal Bureau of Investigation is to provide its first interim response to all three portions of the Plaintiff's FOIA request by September 2, 2014.
3. The Federal Bureau of Investigation is to provide subsequent responses to the Plaintiff's FOIA request at a date or dates to be determined after further negotiation.
4. The U.S. Attorney's Office is to provide its first interim response, consisting of emails responsive to all three portions of Plaintiff's FOIA request, by September 2, 2014.
5. The U.S. Attorney's Office is to provide subsequent responses to the Plaintiff's FOIA request at a date or dates to be determined after further negotiation.

Accordingly, the parties respectfully request that the parties be relieved of their obligations under the June 12, 2014 order and under Local Rule 16.1. They also respectfully request that the July 28, 2014 scheduling conference be adjourned, and that as an alternative the parties submit status reports on August 4, 2014; September 2, 2014; and September 16, 2014.

Dated: July 21, 2014

CARMEN M. ORTIZ
United States Attorney

By their attorneys,

/s/ Jennifer A. Serafyn (with permission)

Jennifer A. Serafyn
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3188
Jennifer.Serafyn@usdoj.gov

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS

By their attorneys,

/s/ Tera Brereton Lally

Tera Brereton Lally (BBO No. 677740)
Laura E. Deck (BBO No. 684569)
PROSKAUER ROSE LLP
One International Place
Boston, MA 02110
(617) 526-9600
tlally@proskauer.com
ldeck@proskauer.com

Matthew R. Segal (BBO No. 654489)
Laura Rótolo (BBO No. 665247)
Jessie J. Rossman (BBO No. 670685)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
211 Congress Street
Boston, MA 02110
(617) 482-3170 x311
lrotolo@aclum.org

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, via the Court's CM/ECF system, this 21st day of July, 2014

/s/ Tera Brereton Lally

Tera Brereton Lally